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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG PA

JAN 11 2002

OHIO CASUALTY GROUP, as
Subrogee of ERIC STAUB,

Plaintiff,

v.

J & J INVESTMENT MANAGEMENT
COMPANY,

Defendant.

MARY E. DUNN, CLERK
Per 9/15

CIVIL ACTION NO.: CV01-0785
JURY TRIAL DEMANDED

2/1/02

**MOTION TO AMEND CASE MANAGEMENT ORDER TO
EXTEND DISCOVERY DEADLINE AND DEADLINES CONCERNING
EXPERTS AND DISPOSITIVE MOTIONS
OF DEFENDANT, J&J INVESTMENT MANAGEMENT COMPANY**

J&J Investment Management Company, by and through their counsel, Durkin & Abel, P.C., respectfully moves this Honorable Court to extend the discovery deadline and deadlines concerning experts and dispositive motions only and avers as follows:

1. On September 13, 2001, the Honorable Yvette Kane issued a Case Management Order setting forth various deadlines and dates with regard to this action. A true and correct copy of the Case Management Order is attached hereto and incorporated hereto as Exhibit "A."

2. As a result of discovery, Defendant is filing contemporaneously with this Motion, a Motion to File and Serve Third-Party Complaint, which has been concurred with by Plaintiff.

3. As a result of the developments concerning the Third-Party Motion, it will be necessary for the discovery, expert and dispositive motion deadlines to be extended in order to allow for the present parties, and the Third-Party Defendants, to exchange discovery and complete depositions.

4. As a further basis for this Motion, counsel for the Defendant avers that he has recently learned that he is scheduled to commence a jury trial in the Court of Common Pleas of Mifflin County as Plaintiff's counsel in the matter of *Houtz v. Peachey Chimney Service, et al.*

5. Movant believes that all of the remaining deadlines can be met and this Motion is only limited to discovery, expert and dispositive motion issues.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant the attached proposed Revised Case Management Order.

Respectfully submitted,

DURKIN & ABEL, P.C.

By: _____
Martin A. Durkin, Jr., Esquire
Identification No.: 37279
One Penn Center - Suite 1520
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103
(215) 569-9090

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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"

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REVISED CASE MANAGEMENT ORDER

AND NOW this day of 2002 upon consideration of Defendant's Motion to Amend Case Management Order to Extend Discovery Deadline and Deadlines Concerning Experts and Dispositive Motions, it is hereby ORDERED that the discovery deadline is extended for an additional forty-five (45) days until March 11, 2002, reports of experts are due on March 20, 2002, response reports to experts' reports are due on April 3, 2002 and dispositive Motions are due on Wednesday, April 24, 2002.

BY THE COURT:

J.

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

OHIO CASUALTY GROUP, as
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Plaintiff,

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J & J INVESTMENT MANAGEMENT
COMPANY,

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**CIVIL ACTION NO.: CV01-0785
JURY TRIAL DEMANDED**

CERTIFICATE OF CONCURRENCE

I, Martin A. Durkin, Jr., counsel for Defendant, hereby aver that counsel for the Plaintiff concurs with the Motion to amend case management order.

Respectfully submitted,

DURKIN & ABEL, P.C.

By: 
Martin A. Durkin, Jr., Esquire

CERTIFICATE OF SERVICE

MARTIN A. DURKIN, JR., ESQUIRE, hereby certifies that a true and correct copy of the foregoing Defendant's Motion to Amend Case Management Order to Extend Discovery Deadline and Deadlines Concerning Experts and Dispositive Motions has been forwarded to counsel listed below by United States First-Class mail, postage pre-paid, on the 9th day of January, 2002 as follows:

Hayes A. Hunt, Esquire
COZEN O'CONNOR
The Atrium, 1900 Market Street
Philadelphia, PA 19103

James F. Malloy, Esquire
NELSON LEVINE De LUCA & HORST
Three Valley Square, Suite 280
512 Township Line Road
Blue Bell, PA 19422



MARTIN A. DURKIN, JR.